

REMARKS

Reconsideration and allowance are respectfully requested. Claims 3, 15, 16, 26-28, 30, 31, 36, and 37 have been amended. Claims 22, 25, and 29 have been canceled. Claims 1-21, 23, 24, 26-28 and 30-37 remain pending.

Claims 3, 16, 26, 30 and 37 stand objected to as being confusing and non-descriptive. These claims have been amended to remove the term, "of abstractions". It is submitted that one of ordinary skill in the art of electronic assembly computer modeling would understand the term "at a material flow level" as now claimed. Therefore, the objection should be withdrawn.

Claims 15-37 stand rejected under 35 U.S.C. 101. Independent claims 15 and 28 have been amended to obviate the rejection. In particular, claim 15 has been amended to include the subject matter of claim 22 and thus now recites that the step of computing a customer benefit is performed using a computer model that represents the electronics assembly system and simulates an aspect of the behavior of the system. Claim 28 has been amended to include the subject matter of claim 29 and now recite that the performance of the system is predicted using a computer model. Thus, it is submitted that the claims utilize the technological arts. Therefore, the rejection should be withdrawn.

Claims 1-37 stand rejected under 35 U.S.C. 103(a) as being unpatentable over McGill in view of Ouimet et al. and further in view of Robertson et al. This rejection is respectfully traversed.

The Examiner concedes that, "McGill does not teach modeling of future benefit in relation to the component price." The Examiner cites Ouimet et al. in an attempt to supply the deficiencies of McGill. The Examiner states that Ouimet et al. teaches a method and system for modeling further demand and product price and that it would have been obvious to modify McGill to include modeling future demand for a particular product.

With regard to claim 1, Applicants submit that even if such a modification were made, it would not result in the claimed invention since the combination fails to teach or suggest predicting, with the aid of a computer model, a customer benefit to be realized

through the use the electronics assembly solution. A “future demand” is not a “customer benefit to be realized” as defined in the claims. Ouimet et al. merely teaches a using a market model where external market information is used to tune a demand model. This has nothing to do with predicting a customer benefit as claimed.

Also, with respect to claim 1, the Examiner has failed to address the steps of generating a customer benefit guarantee based on the predicted customer benefit; and communicating a message relating to the customer benefit guarantee associated with the predicted customer benefit. Thus, the rejection of claim 1 and the claims that depend there-from is improper and should be withdrawn.

With regard to claim 15, the Examiner has failed to show how the cited combination of references teach or suggest the steps of computing a customer benefit associated with the solution; computing a monetary value based on the customer benefit; and collecting from the customer an amount based on the computed monetary value. Applicants submit that such steps are neither taught nor suggested by the prior art of record. Therefore, the rejection of claim 15 and the claims that depend there-from is improper and should be withdrawn.

With regard to claim 28, the Examiner has failed to show how the cited combination of references teach or suggest the steps of offering a performance-based contract for sale of the assembly system solution, wherein the price of the solution is a function of the performance of the solution; upon customer acceptance, delivering the assembly system solution; monitoring the performance of the assembly system solution; and assessing compensation based upon the monitored performance and the price function. Applicants submit that such steps are neither taught nor suggested by the prior art of record. Therefore, the rejection of claim 28 and the claims that depend there-from is improper and should be withdrawn.

All objections and rejections having been addressed, it is respectfully submitted that this application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



Frank J. Nuzzi
Registration No. 42,944
Attorney for Applicant

SIEMENS CORPORATION
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830
Tel. No. (732) 321-3002